IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 7865 of 2005(J)

PETITIONER:

PROVINCIAL SUPERIOR, S.H.NIRMALA
PROVICIAL HOUSE, SNEHASADANAM, RATTAKOLY,
KALPATTA P.O. REPRESENTED BYSR.PROVINCIAL
SR.LITTA TRESSA S.H.

BY ADV. SRI.S.VIJAYAN NAYAR

RESPONDENTS:

KALPATTA MUNICIPALITY,
KALPATTA REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.A.K.SRINIVASAN
SRI.N.S.MOHAMMED USMAN
SRI.A.S.BENOY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (W.P.C.NO.7865/05)

PETITIONER'S EXTS.:

EXT.P1: TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF SOCIETY DATED 30.12.1992.

EXT.P2: TRUE COPY OF THE CERTIFICATE DATED 24.2.2002 ON THE BOARD OF CONTROL ORPHANAGES AND CHARITABLE HOMES.

EXT.P3: TRUE COPY OF THE DEMAND NOTICE DATED 28.10.2002 FROM THE MUNICIPALITY.

EXT.P4: TRUE COPY OF THE REVISION PETITION DATED 5.11.02.

EXT.P5: TRUE COPY OF THE RECOVERY NOTICE OF THE MUNICIPALITY DATED 29.1.2005.

PIUS C. KURIAKOSE,J.

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W.P.(C)No. 7865 of 2005

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Dated: 14th February, 2007

JUDGMENT

I do find some force in the submission of Mr.A.K.Sreenivasan, counsel for the respondent-Municipality that the maintainability of the Writ Petition itself is in doubt. So also the submission of the learned counsel that Ext.P4 which is addressed to the Chairman of the Municipality and which does not even refer to Ext.P3 cannot be construed as a revision petition filed in response to Ext.P3, has force. However, considering the fact that the petitioner claims to be the Provincial Superior of a congregation which is said to be rendering very useful services to the Society, I feel that an opportunity should be given to them for seeking a revision of Ext.P3. I permit the petitioner to file a proper revision petition in response to Ext.P3 within two weeks of receiving a copy of this judgment. If the Secretary of the respondent-Municipality receives a revision petition from the petitioner against Ext.P3 within the above time-limit, the Secretary will consider that revision petition and dispose of the same in accordance with law after hearing the petitioner at his earliest and at any rate within six weeks of receiving the revision petition.

The Writ Petition will stand disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**